

FILED

JAN 27 2006

**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

RAFAEL LOPEZ,

Petitioner,

v.

ALBERTO R. GONZALES, Attorney
General,

Respondent.

No. 05-71048

Agency No. A79-530-159

MEMORANDUM*

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted January 23, 2006**

Before: T.G. NELSON, SILVERMAN and BYBEE, Circuit Judges

Petitioner's motion to file the opening brief late is granted. The Clerk shall file the opening brief received on October 18, 2005.

Respondent's motion for summary disposition is granted because the questions raised by this petition for review are so insubstantial as not to require

* This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

** This panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

further argument. *See* United States v. Hooton, 693 F.2d 857, 858 (9th Cir. 1982) (per curiam) (stating standard). Accordingly, this petition for review is denied.

PETITION FOR REVIEW DENIED.